

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AARON L. ASHLEY,

No. C 11-1683 SBA (PR)

Plaintiff,

**ORDER DIRECTING CLERK OF
COURT TO TERMINATE ACTION**

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,

Defendant.


Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on April 26, 2011, this action is terminated. See Fed. R. Civ. P. 41(a)(1)(A)(i) ("[A]n action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal."); Hamilton v. Shearson-Lehman Am. Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule 41(a)(1)(A)(i) does not require leave of court to dismiss the action). The dismissal is without prejudice. See Fed. R. Civ. P. 41(a)(1)(B) (unless plaintiff's notice of dismissal states otherwise, it is deemed to be "without prejudice"); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959).

The Clerk of the Court shall terminate all pending motions and close the file.

This Order terminates Docket no. 4.

IT IS SO ORDERED.

DATED: 5/24/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE AARON ASHLEY,
Plaintiff,

Case Number: CV11-01683 SBA

CERTIFICATE OF SERVICE

v.

IN RE AARON ASHLEY et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Aaron Ashley AA3143
California State Prison - Sacramento
B-1-223
P.O. Box 290066
Represa, CA 95671-0066

Dated: May 25, 2011

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk